

**ARIZONA PROSECUTING ATTORNEYS'
ADVISORY COUNCIL**

JANUARY 27, 2012 COUNCIL MEETING

AGENDA ITEM COVER SHEET

AGENDA ITEM #: XII

SUBJECT: Legislative Policy Committee Report

TYPE OF ACTION REQUESTED:

- ☒ Formal Action / Motion (Items XII (A) – (D))
- ☒ Information Only (Items XII (E) - (F))
- ☐ Other

ATTACHMENT(s):

- ☒ Yes (Items XII (A) – (F))
- ☐ No

APAAC-Council Meeting Jan. 27, 2012

LPC Bill List for Agenda

50th Legislature - 2nd Regular Session, 2012

Friday, Jan 20 2012 1:25 PM

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LPC-SUPPORT

Bill Summaries

H2018: MISSING CHILD; REPORTING; OFFENSE

A person who has care or custody of a child under 6 years of age and who knows that the child has been missing for 24 hours is required to immediately report the child as missing to law enforcement. A violation is a class 5 felony.

First sponsor: Rep. Ugenti

Others: Rep. Brophy McGee, Rep. Carter, Rep. Crandell, Rep. Fillmore, Rep. Forese, Sen. Shooter, Rep. Stevens

H2035: MEDICAL MARIJUANA

It is unprofessional conduct for a licensed health professional to recommend medical marijuana for any purpose other than an accepted therapeutic purpose. The Department of Health Services may notify the appropriate licensing board if the Dept believes a physician has committed unprofessional conduct relating to medical marijuana. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Yee

General Comments (all lists):

AGO & Courts abstain.

H2130: DISEASE TESTING; PUBLIC SAFETY EMPLOYEES

The list of situations where a public safety employee or volunteer or the employing agency may petition the court for an order authorizing disease testing is expanded to include if there is probable cause to believe that the person bit, scratched, spat or transferred blood or other bodily fluid on or through the skin of the employee or volunteer.

First sponsor: Rep. J. Pierce

H2216: AGGRAVATED ASSAULT; STRANGULATION

Strangulation is classified as aggravated assault. Previously, the victim and defendant were required to have a relationship that could classify the offense as domestic violence for strangulation to be classified as aggravated assault.

First sponsor: Rep. Proud

H2218: DEPARTMENT OF JUVENILE CORRECTIONS; CONTINUATION

The statutory life of the Department of Juvenile Corrections is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

First sponsor: Rep. Proud

H2241: STATUTE OF LIMITATIONS; MOVING VIOLATION

A prosecution for causing serious physical injury or death by a moving violation must be commenced within five years after discovery of the offense by the state or political subdivision.

First sponsor: Rep. Montenegro
Others: Rep. Ugenti

General Comments (all lists):

MCAO bill

H2338: PRISONER TRANSFER; DEPT OF CORRECTIONS

Repeals the requirement that beginning July 1, 2012, prisoners sentenced to one year or less in the Department of Corrections will serve that time in county jails unless the county sheriff contracts with the Dept to house county prisoners in a state facility for a fee. Emergency clause.

First sponsor: Rep. Jones
Others: Rep. Barton, Rep. Chabin, Rep. Crandell, Rep. Goodale, Sen. Griffin, Sen. Jackson, Rep. Judd, Rep. McLain, Rep. Pancrazl, Rep. Urie, Rep. Vogt

H2356: DRUGS; DEFINITION

Various substances are added to the definition of "dangerous drugs" and the list of schedule IV controlled substances. Emergency clause.

First sponsor: Rep. Fann
Others: Rep. Barton, Rep. Burges, Rep. Crandell, Rep. Harper, Rep. Jones, Rep. Judd, Rep. J. Pierce, Rep. Reeve, Rep. Ugenti, Rep. Urie, Rep. Yee

General Comments (all lists):

"Bath Salts" bill

H2373: SENTENCING; FIRST, SECOND DEGREE MURDER

Various changes to sentencing for convictions of first and second degree murder, including treating an unborn child like a minor under 12 years of age for purposes of punishment. A person convicted of first degree murder who was under 18 years of age at the time of the commission of the offense must be sentenced to life or natural life imprisonment. Increases the maximum sentence for second degree murder to 25 years, from 22 years, and to 29 years, from 25 years, for a person previously convicted of certain felonies.

First sponsor: Rep. Farnsworth

General Comments (all lists):

MCAO bill

H2374: DEFERRED PROSECUTION PROGRAM; CONDITIONS

The county attorney may not divert or defer the prosecution of a person who has been previously convicted of a serious offense, sexual offense, dangerous offense or dangerous crime against children, or a person who has been convicted three or more times of drug possession.

First sponsor: Rep. Farnsworth

H2382: CRIMINAL OFFENSES; SENTENCING

The superior court has concurrent jurisdiction with justices of the peace over misdemeanors with a maximum penalty of \$2,500, increased from \$1,000. Modifies mitigated and aggravated sentencing ranges for certain repetitive offenders.

First sponsor: Rep. Farnsworth

General Comments (all lists):

"Criminal Cleanup" -AJC

H2384: BURGLARY; TRESPASS; COMMERCIAL YARD; DEFINITION

For purposes of criminal trespass and burglary, a "fenced commercial yard" is property zoned for business operations, instead of used primarily for business operations.

First sponsor: Rep. Farnsworth

General Comments (all lists):

APAAC bill

H2390: HOME DETENTION PROGRAMS

A prisoner in a home detention program established by counties or municipalities may work within a 120 mile radius of his/her primary residence, instead of only within the county. The court is authorized, instead of required, to terminate a prisoner's participation in a program under specified conditions, and to order prisoners on electronic monitoring to pay an electronic monitoring fee.

First sponsor: Rep. Pratt

H2395: SCRAP METAL DEALERS; PROHIBITED TRANSACTIONS

Scrap metal dealers are prohibited from knowingly purchasing air conditioner components, except from an industrial account.

First sponsor: Rep. Forese

Others: Rep. Vogt

H2396: THEFT OF METAL; SENTENCING

For the purposes of sentencing for theft of metal, the value is the average fair market value of the metal, instead of the average fair market value of the metal as scrap metal.

First sponsor: Rep. Forese

Others: Rep. Vogt

General Comments (all lists):

PCAO bill

H2429: DEPT OF PUBLIC SAFETY; CONTINUATION

The statutory life of the Department of Public Safety is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

First sponsor: Rep. Gowan

Others: Rep. Proud

H2430: PRIVATE INVESTIGATORS; SECURITY GAURDS; LICENSING

A private investigator or security guard cannot be a registered sex offender.

First sponsor: Rep. Gowan

H2461: HISTORICAL PRIOR FELONY CONVICTION; DEFINITION

Modifies the definition of "historical prior felony conviction" to add pretrial or presentence incarceration for any reason to the incarceration time that is excluded in calculating if the offense was committed within the preceding 10 years.

First sponsor: Rep. Ugenti

General Comments (all lists):

APAAC Bill

H2548: DANGEROUS & INCOMPETENT DEFENDANTS; COMMITMENT

If the court finds a defendant incompetent to stand trial, any party may request that the court determine if the defendant is "dangerous" (defined) and incompetent. If the defendant is dangerous and incompetent, s/he must be committed to a licensed facility under the supervision of the Superintendent of the Arizona State Hospital and periodic reports on the defendant must be submitted to the court. If a report indicates the defendant is competent to stand trial, the court must hold another determination hearing.

First sponsor: Rep. Vogt

Others: Sen. Aboud, Sen. Antenori, Sen. Barto, Rep. Campbell, Rep. Fann, Rep. Farley, Rep. Gowan, Sen. Melvin, Rep. Proud, Rep. Tovar, Rep. Wheeler, Rep. Williams

General Comments (all lists):

PCAO bill

H2549: ELECTRONIC ; DIGITAL DEVICES; STALKING; THREATENING

The definition of stalking is expanded to include using any electronic, digital or GPS device to surveil a specific person or the person's Internet or wireless activity. The definition of threatening or harassing is expanded to include the use of any electronic or digital device, rather than a telephone only.

First sponsor: Rep. Vogt

Others: Rep. Campbell, Rep. Fann, Rep. Farley, Rep. Gowan, Rep. Proud, Rep. D. Smith, Rep. Tovar, Rep. Williams

General Comments (all lists):

PCAO Bill

H2550: VICTIMS' RIGHTS; CRIMINAL OFFENSE

For the purposes of crime victims' rights, the definition of "criminal offense" is expanded to encompass any misdemeanor (previously only those that caused physical injury or sexual offenses), petty offenses, and violations of local ordinances. Language exempting on-duty peace officers from being considered victims is deleted.

First sponsor: Rep. Vogt

Others: Sen. Aboud, Sen. Antenori, Rep. Campbell, Rep. Fann, Rep. Farley, Rep. Gowan, Rep. Harper, Sen. Melvin, Rep. Proud, Rep. D. Smith, Rep. Tovar

General Comments (all lists):

MCAO bill

H2555: SEXUALLY VIOLENT PERSON; ESCAPE; SENTENCE

The list of acts that constitute escape in the second degree is expanded to include persons committed to the Arizona State Hospital for treatment as a sexually violent person escaping or attempting to escape.

First sponsor: Rep. Vogt

General Comments (all lists):

MCAO bill

H2556: CRIMINAL RESTITUTION ORDER

Criminal restitution orders are required, rather than permitted, to be recorded and enforced as any civil judgment, and may be entered at the time the defendant is ordered to pay restitution, instead of when the defendant completes the sentence or probation.

First sponsor: Rep. Vogt

H2558: VICTIM RESTITUTION; CIVIL ACTIONS

A restitution order in favor of a person does not preclude that person from bringing a separate civil action and proving damages in excess of the amount of restitution actually paid, instead of in excess of the amount of the restitution order.

First sponsor: Rep. Vogt

S1034: ELECTRONIC; DIGITAL DEVICES; STALKING; THREATENING

The definition of stalking is expanded to include using any electronic digital device to surveil a specific person or the person's Internet or wireless activity continuously for 12 hours or more, or on two or more occasions. The definition of threatening or harassing is expanded to include the use of any electronic or digital device, rather than a telephone only.

First sponsor: Sen. L. Gray

S1037: JUVENILE CORRECTIONS; EDUCATION

The Department of Juvenile Corrections is required to assign each committed youth and youth placed on conditional liberty to an appropriate educational program.

First sponsor: Sen. L. Gray

S1038: JUVENILE CORRECTIONS DEPT; FINGERPRINTING EXCEPTION

The Director of the Department of Juvenile Corrections may allow a contractor's employee who has been convicted of driving under the influence or felony drug possession to have direct contact with committed youth if the Director finds that the person is successfully rehabilitated according to specified factors.

First sponsor: Sen. L. Gray

S1042: AUTO THEFT AUTHORITY; CONTINUATION

The statutory life of the Automobile Theft Authority is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

First sponsor: Sen. L. Gray

S1043: DANGEROUS DRUGS; DEFINITION

Various substances are added to the list of "dangerous drugs" and the list of controlled substances included in schedule IV. Emergency clause.

First sponsor: Sen. L. Gray

Others: Sen. Barto, Sen. S. Pierce

S1072: MINORS; REPORTING DUTY; MISSING; DECEASED

It is a class 5 felony for any person who has care or custody of a minor or vulnerable adult and who knows of the existence of the minor's or vulnerable adult's body where death occurred in specified circumstances to fail to notify peace officers as soon as reasonably possible. It is a class 6 felony for a person who has the care or custody of a minor or vulnerable adult to knowingly make a false statement to a law enforcement agency conducting a missing person investigation involving the minor or vulnerable adult. It is a class 6 felony for a person who has the care or custody of a child under 13 years of age to intentionally or knowingly fail to report the child as missing within 24 hours after the person knew or should have known the child was missing. The classification is increased to class 4 felony if the child suffers death or serious physical injury while missing.

First sponsor: Sen. L. Gray

Others: Sen. Barto, Rep. Burges, Sen. Cajero Bedford, Sen. Lopez, Rep. Mesnard, Sen. S. Pierce

S1073: PHARMACY BD; DRUG SCHEDULES; RULES

The Board of Pharmacy is authorized to add a controlled substance to the schedules of controlled substances by rule. Factors the Board must consider before adopting a rule to add a controlled substance are listed. The Board must annually report the substances added to the Governor, Legislature and Department of Public Safety. The Board is exempt from the rulemaking requirements of the Administrative Procedures Act for this purpose.

First sponsor: Sen. L. Gray

Others: Rep. Burges, Rep. McLain, Rep. Pancrazi, Rep. Jim Welers

S1080: GRAND JURY; LENGTH OF TERM

Increases the length of term for a grand jury in counties with less than 200,000 persons to 180 days, from 120 days.

First sponsor: Sen. Allen

Others: Rep. Crandell

S1114: IGNITION INTERLOCK DEVICE; EXCEPTION

As session law, a person convicted of a DUI before January 1, 2012 who is required to equip a motor vehicle with an ignition interlock device is eligible for deferral of the remainder of the ignition interlock period pursuant to statutory deferral requirements that went into effect January 1, 2012. Emergency clause.

First sponsor: Sen. L. Gray

Others: Rep. D. Smith, Rep. Williams

S1143: AGGRAVATED IDENTITY THEFT; SENTENCING

Aggravated identity theft involving 50 or more persons or entities is a class 2 (second highest) felony (increased from a class 3 felony).

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish

S1146: INDECENT EXPOSURE; CLASSIFICATION

Increases the criminal classification for indecent exposure to a person who is 15 or older to a class 6 (lowest) felony, from a class 1 misdemeanor, if the defendant has two or more prior convictions of indecent exposure or one or more prior convictions of sexual assault.

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish, Rep. Vogt, Sen. Yarbrough

S1147: SEXUALLY VIOLENT PERSONS; DEFINITION

Modifies the definition of "sexually violent offense" in public health statutes relating to sexually violent persons.

First sponsor: Sen. Driggs
Others: Sen. Crandall

S1148: MISCONDUCT INVOLVING WEAPONS; DRUGS; SENTENCING

A person convicted of misconduct involving weapons for using or possessing a deadly weapon during the commission of any felony offense is not eligible for suspension of sentence, probation, pardon or release from confinement. Some exceptions, including if the offense involved the personal possession or use of a controlled substance.

First sponsor: Sen. Driggs
Others: Sen. Crandall, Sen. McComish

S1149: TRAFFICKING; WEAPONS OR EXPLOSIVES; OFFENSE

The list of actions constituting misconduct involving weapons is expanded to include trafficking in weapons or explosives for financial gain in order to assist a criminal street gang, criminal syndicate or a racketeering enterprise.

First sponsor: Sen. Driggs

S1150: THEFT BY EXTORTION; OFFENSE

The list of threats used as a means to commit theft that cause the theft to be classified as theft by extortion is expanded to include a threat to cause death or serious physical injury to anyone.

First sponsor: Sen. Driggs

S1151: SENTENCING; OUT-OF-STATE CONVICTIONS

An offense that was punishable as a felony by the jurisdiction in which it was committed is considered when classifying category two or three repetitive offenders and when sentencing dangerous offenders.

First sponsor: Sen. Driggs
Others: Sen. Yarbrough

S1152: HOMELESS COURT; ESTABLISHMENT; JURISDICTION

The presiding judge of the superior court in each county is authorized to establish a homeless court to adjudicate cases filed in a justice of the peace or municipal court in the county, and to establish the eligibility criteria for referral to the homeless court.

First sponsor: Sen. Driggs

LPC-OPPOSE**Bill Summaries****H2044: MARIJUANA; CLASSIFICATION; PETTY OFFENSE**

Possession or use of one ounce or less of marijuana that is not intended for sale is a petty offense with a fine not to exceed \$400.

First sponsor: Rep. Fillmore

H2284: DUI; JURY TRIAL

In any trial for driving under the influence or extreme driving under the influence, a trial by jury may be unilaterally waived by the defendant. Retroactive to January 1, 2012.

First sponsor: Rep. D. Smith

H2285: DUI; IGNITION INTERLOCK DEVICE

A person convicted of a first offense of driving under the influence is no longer required to equip a motor vehicle with an ignition interlock device for 12 months.

First sponsor: Rep. D. Smith

H2286: DRIVER LICENSE VIOLATIONS; SUSPENSIONS

If a person drives a motor vehicle with a suspended driver license and the suspension is due to failure to pay a civil penalty and not related to a DUI, the court is authorized to find the person guilty of not possessing a valid driver license instead of a class 1 misdemeanor for driving with a suspended license. If the court finds the person guilty of a class 1 misdemeanor, the conviction is set aside after six months.

First sponsor: Rep. D. Smith

H2287: DRIVING UNDER THE INFLUENCE; RETROACTIVE APPLICATION

Laws 2011, Chapter 341, which makes various changes to statutes pertaining to driving under the influence and the use of continuous alcohol monitoring programs and ignition interlock devices, apply retroactively to any person sentenced from and after April 29, 2011 for a DUI, extreme DUI or aggravated DUI, regardless of the date of the offense. Some sections of Laws 2001, chapter 341 are exempted from retroactive application.

First sponsor: Rep. D. Smith

H2289: CRIMINAL JURY TRIAL; JUSTICE COURTS

For criminal proceedings in justice courts, a trial by jury must be had if demanded at any time before commencement of the trial, instead of at least five days before commencement of the trial.

First sponsor: Rep. D. Smith

H2294: MUNICIPAL HOME DETENTION PROGRAMS; ESTABLISHMENT

Municipalities are required, instead of allowed, to establish a prisoner work, community restitution work and home detention program for eligible sentenced prisoners.

First sponsor: Rep. D. Smith

General Comments (all lists):**Mandatory****H2296: ARIZONA SENTENCING & CORRECTIONS COMMISSION**

Establishes a 17-member Arizona Sentencing and Corrections Commission to continuously collect data and evaluate the effectiveness of the state's sentencing practices and policies and the policies and procedures of the Department of Corrections. The Commission terminates in statute on July 1, 2017.

First sponsor: Rep. D. Smith

H2297: PROBATION; COMMUNITY SUPERVISION; VIOLATIONS; REVOCATION

A defendant must commit two or more additional offenses or violate two or more conditions of probation or parole, instead of one offense or violation, in order for the court or Board of Executive Clemency to revoke or modify the conditions of probation, community supervision or parole.

First sponsor: Rep. D. Smith

H2432: SECURED APPEARANCE BOND EXONERATION; REMISSION

If a surety or bail bond agent surrenders the defendant within 30 days after the defendant's failure to appear, they are relieved from liability, except when a judicial officer orders a forfeiture of up to \$1,000.

First sponsor: Rep. Gowan

Others: Sen. Antenor, Rep. Ash, Rep. Fillmore, Sen. Gallardo, Sen. Lopez, Sen. Murphy, Rep. Seel, Sen. Shooter, Rep. D. Smith, Rep. Stevens

H2434: BAIL BOND REQUIREMENTS; CASH; SECURED

A person who has been convicted of a felony within seven years of the current offense is not eligible for supervision under pretrial services. A judicial officer is required to allow a cash or a secured appearance bond in all cases in which bail is authorized, except in specified circumstances.

First sponsor: Rep. Gowan

Others: Sen. Antenor, Sen. Gallardo, Rep. Seel, Rep. D. Smith

H2521: COMMUNITY SUPERVISION; EARNED RELEASE CREDITS

Terms of the earned release credit program operated for inmates by the Dept of Corrections are changed to provide one day for every three days served if the offense is not classified as a serious offense or a violent or aggravated felony (per ARS 13-706). The credit of one day for every six served remains for those convicted of serious crimes. Terms of the community supervision program are likewise changed to provide for one day for every three served for non-serious offenses. The credit of one day for every seven served remains for those convicted of serious crimes.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Arredondo, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Hale, Rep. Jones, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2522: SENTENCING; MINIMUM & MAXIMUM TERMS

Modifies sentencing structure for various felony offenses. The sentences previously used as mitigated sentence terms are established as the new minimum sentence, and those used as aggravated sentence terms are established as the new maximum sentence. The terms mitigated and aggravated are no longer used, and the previous minimum and maximum sentences are deleted. Increases the number of felony convictions necessary for a person to be sentenced as a repetitive offender. Also changes sentencing for violation of parole for drug offenses.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Arredondo, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Jones, Rep. Judd, Sen. Lewis, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2523: CORRECTIONS DEPT; DIRECTOR; POWERS

The authority for the Director of the Department of Corrections to charge a fee for conducting background checks on visitors to prisons is eliminated.

First sponsor: Rep. Ash
Others: Rep. Alston, Rep. Goodale, Rep. Jones, Rep. Vogt

H2524: LIFE SENTENCE; PAROLE ELIGIBILITY

A person convicted of murder for an offense committed before August 8, 1973, and who was sentenced to life in prison is eligible for parole after serving 25 calendar years. If the person was convicted of any other offense, the person is eligible for parole only to the consecutive sentence. The Dept of Corrections is required to notify all persons eligible for parole under this legislation within 30 days after the effective date. Emergency clause.

First sponsor: Rep. Ash
Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Harper, Rep. Jones, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

H2525: AZ SENTENCING COMMISSION

A 20-member Arizona Sentencing Commission is established to evaluate the effectiveness of sentencing practices and policies and of alternative sentencing programs. An annual report must be submitted to the chairmen of the House and Senate Judiciary committees. The statutory life of the commission expires on July 1, 2022.

First sponsor: Rep. Ash
Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Jones, Sen. Lewis, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Tovar, Rep. Wheeler

H2527: SEX OFFENDER REGISTRATION; CONSENSUAL ACTS

Judges are authorized to exempt a person from the requirement to register as a sex offender for specified offenses if the offense involved consensual acts (the victim must agree that the acts were consensual) and the judge finds that the person is not likely to reoffend.

First sponsor: Rep. Ash
Others: Rep. Alston, Rep. Farley, Rep. Gonzales, Rep. Goodale, Rep. Hale, Rep. Jones, Rep. Judd, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Saldate

H2531: PRISONERS; MEDICAL PAROLE

Authorizes the Board of Executive Clemency to release a prisoner on medical parole under specified circumstances, including an incapacitating physical condition or disease, with review and acceptance by the Department of Corrections. Does not apply to prisoners sentenced to death or natural life.

First sponsor: Rep. Ash
Others: Rep. Alston, Rep. Arredondo, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Hale, Rep. Jones, Rep. Judd, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Wheeler

S1065: LEASH LAW EXEMPTION; LIABILITY INSURANCE

Municipal and county ordinances and homeowner's association policies that regulate or prohibit a dog from running at large do not apply if the dog's owner provides proof of canine liability insurance of at least \$100,000 for injury to any person or damage to any property caused by the dog.

First sponsor: Sen. Klein

S1071: RACIAL PROFILING PROHIBITED

An article is added to Title 41 (state government) prohibiting peace officers from engaging in racial profiling or detaining an individual based solely on noncriminal factors. The AZ Peace Officer Standards and Training Board must require peace officers to complete annual training emphasizing the prohibition against racial profiling.

First sponsor: Sen. Schapira
Others: Sen. Gallardo

S1083: ARIZONA STATE GUARD

Members of the Arizona State Guard cannot be arrested while on active duty, while engaged in drill or while on the way to or from such duties. Guard members are entitled to the same immunity protection as law enforcement for acts within the scope of duty, and are not liable for jury duty while on active duty with the Guard. The Guard is considered a seizing agency when cooperating with state or local law enforcement agencies.

First sponsor: Sen. Allen
Others: Sen. Biggs, Rep. Gowan, Sen. Griffin, Sen. Klein, Sen. Melvin, Sen. Murphy, Rep. Proud, Sen. S. Smith

LPC-NEUTRAL

Bill Summaries

H2015: COURTS; PROHIBITED COSTS; COUNSELING

Arizona courts are prohibited from paying the cost of anger management counseling or domestic violence counseling for defendants required to attend counseling by a court order.

First sponsor: Rep. Fillmore

General Comments (all lists):

Unnecessary

H2019: SEX OFFENDER REGISTRATION; MULTIPLE RESIDENCES

Sex offenders who are required to register and who have more than one residence are required to provide a description and physical location of any temporary residence and must register as a transient with the county sheriff at least every 90 days.

First sponsor: Rep. Robson

H2034: HOOKAH USE; MINORS; PROHIBITION

It is a petty offense to knowingly sell or give any paraphernalia designed for smoking or ingesting tobacco, including a hookah or waterpipe, to a minor. It is a petty offense for a minor to buy or possess such paraphernalia, with a penalty of at least 30 hours of community supervision and a minimum \$100 fine.

First sponsor: Rep. Yee

H2254: FIREARMS; CONCEALED WEAPONS; COMM COLLEGES; UNIVERSITIES

Faculty members with concealed weapons permits may possess a concealed firearm on the grounds of a community college or university.

First sponsor: Rep. Harper
Others: Rep. Seel

H2380: SEARCH WARRANTS; RETURN

Search warrants must be returned to a magistrate within four court business days after execution, instead of three court business days.

First sponsor: Rep. Farnsworth

S1008: CHILD FATALITY REVIEW TEAM

Expands the duties of the Child Fatality Review Team to include reviewing the infant death investigation checklist developed by the Department of Health Services, and informing the Governor and the Legislature of the need for specific recommendations regarding unexplained infant death. Deletes requirements for the Dept to work in conjunction with the Unexplained Infant Death Advisory Council, and removes the Council representative from the list of Team membership. (Elsewhere in statute, the Council terminates on July 1, 2012). AS PASSED SENATE.

First sponsor: Sen. Barto

S1027: DOMESTIC VIOLENCE; SUPERVISED PROBATION; FINE

Expands the penalties for a misdemeanor domestic violence offense to include supervised probation, a minimum \$50 fine, and serving at least 48 consecutive hours in jail. Applies these penalties to a person who pleads guilty or no contest to a misdemeanor domestic violence offense, in addition to a convicted person.

First sponsor: Sen. Gallardo

S1039: DEPT OF CORRECTIONS; CONTINUATION

The statutory life of the Dept of Corrections is extended 10 years to July 1, 2022. Retroactive to July 1, 2012.

First sponsor: Sen. L. Gray
Others: Rep. Harper

S1082: ALCOHOLISM & SUBSTANCE ABUSE CONTROL

Statute regulating the evaluation and treatment of persons impaired by alcoholism are expanded in scope to include persons incapacitated by substance abuse. Municipalities are authorized to prohibit or regulate the hours of sales of certain types of spirituous liquor.

First sponsor: Sen. Allen
Others: Rep. Crandell, Sen. Jackson

S1087: FIREARMS; STATE PREEMPTION

Political subdivisions may enforce state law relating to certain firearms restrictions. Statute specifying permissible firearms-related ordinances and rules for political subdivisions is deleted from one section of statute and inserted in a newly created section.

First sponsor: Sen. Gould

LPC-MONITOR**Bill Summaries****H2144: PROHIBITED POSSESSOR; DOMESTIC VIOLENCE CONVICTION**

Any person convicted of a domestic violence offense is prohibited from possessing a firearm, instead of only those offenders who are serving probation.

First sponsor: Rep. C. Miranda
Others: Rep. R. Miranda, Rep. Saldate

H2169: MISSING PERSONS; LAW ENFORCEMENT DUTIES

Adds a new chapter to Title 41 (state government) relating to law enforcement procedures

involving missing persons or unidentified human remains. Includes provisions for accepting missing person reports, information and materials that law enforcement must attempt to obtain about a missing person, circumstances that classify an individual as a high-risk missing person, and procedures for handling unidentified human remains.

First sponsor: Rep. Dial

Others: Rep. Gallego

H2201: GRAFFITI IMPLEMENTS; UNLAWFUL POSSESSION; MINORS

It is a petty offense for a person under 18 to possess any graffiti implement (defined) while on public or private property without the express consent of the property owner. Some exceptions.

First sponsor: Rep. Campbell

Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gallego, Rep. Hobbs, Rep. Meyer, Rep. Tovar, Rep. Wheeler

H2211: BICYCLES; YIELD AT STOP SIGNS

Bicycle riders who are at least 16 years of age must yield when approaching a yield or stop sign.

First sponsor: Rep. Williams

Others: Rep. Patterson

H2224: UNRESTRAINED MINORS; MOTOR VEHICLES; PROHIBITION

It is illegal to transport a minor in an open compartment of a motor vehicle (bed of a pickup) unless the minor is safely restrained. Includes exemptions for farm or ranch vehicles, emergency situations, vehicles on private property or Indian reservations, parades, and vehicles driven at or below a posted speed limit of 35 mph.

First sponsor: Rep. Goodale

Others: Rep. Heinz, Rep. Jones

H2231: AGGRAVATED ASSAULT; HEALTH CARE PRACTITIONERS

Assault is considered aggravated assault if the defendant knows that the victim is a health care practitioner, including a pharmacist, physical therapist, or psychologist.

First sponsor: Rep. Heinz

H2263: METHAMPHETAMINE PRECURSOR LOGGING SYSTEM

A person cannot purchase, and a retailer cannot sell to the same person, products containing more than 3.6 grams per day or more than 9 grams per 30 days of ephedrine or pseudoephedrine base or their salts or isomers. Retailers must keep nonprescription products containing these substances behind the counter or in a locked case and must require a purchaser to present photo identification and record specified information on the purchaser at the point of sale. Beginning January 1, 2013, retailers must use an electronic sales tracking system to submit this information to a national precursor log exchange if the system is available without charge. Sales of these products are of statewide concern and not subject to further regulation by political subdivisions.

First sponsor: Rep. Carter

Others: Rep. Brophy McGee, Rep. Farley, Rep. Goodale, Rep. Hobbs, Rep. Stevens, Rep. Urie, Rep. Yee

H2266: CLIFF JUMPING; VIOLATION

It is a class 2 misdemeanor to jump or dive from ten feet or higher off a cliff or rock formation into a lake or stream in public parks, on state land or on private property without permission of the landowner.

First sponsor: Rep. Burges

H2288: DUI; DRUGS; DRIVER LICENSE REVOCATION

Driving a motor vehicle while under the influence of a drug is removed from the list of offenses that are grounds for mandatory revocation of a driver license.

First sponsor: Rep. D. Smith

H2299: PRIVATE PRISON STUDY COMMITTEE

Establishes a 19-member Private Prison Study Committee to research and report on the impact of private prisons on the safety of the public and prisoners, the economic efficiency of housing prisoners in private facilities, and the provision of constitutionally appropriate services for prisoners at private prisons. The Committee must submit a report to the Governor and the Legislature by December 31, 2012. Self-repeals October 1, 2013.

First sponsor: Rep. Campbell

H2307: PROPERTY DAMAGE BY LIVESTOCK

In counties with a population of 900,000 persons or more (Maricopa and Pima), cattle are added to the list of livestock (currently, sheep or goats) which may not be herded or camped on property owned by another without the other's approval. The owner of any livestock that trespass and cause damage to another's property is responsible for the damage even if the land is not fenced.

First sponsor: Rep. Patterson

Others: Rep. Harper

H2308: SCRAP METAL DEALERS; SUSPICIOUS METALS

A scrap metal dealer who suspects that a seller is trying to sell stolen metal must require additional information from the seller as determined by the Department of Public Safety by rule.

First sponsor: Rep. Patterson

Others: Rep. McCune Davis

H2310: ANIMAL ABUSER REGISTRATION; COMMUNITY NOTIFICATION

An adult who has been convicted of cruelty to animals or other related offenses must register with the county sheriff within 10 days after the conviction or after entering and remaining in that county. Within 10 days of the registration, the sheriff must notify every residence, school, humane society, animal shelter and other business within 1/2 mile of the animal abuser's residence.

First sponsor: Rep. Farley

Others: Sen. Melvin, Sen. Nelson, Sen. Reagan

H2311: COMMUNICATION DEVICES; CLASS G LICENSEES

Class G driver license holders (drivers under the age of 18) are prohibited from operating a motor vehicle while using a wireless communication device. Some exceptions.

First sponsor: Rep. Farley

Others: Rep. Arredondo, Rep. Hobbs, Sen. McComish, Sen. Melvin, Sen. Nelson, Rep. Tovar

H2312: DISTRACTED DRIVING PROHIBITION

It is illegal to operate a motor vehicle while distracted in any manner. Law enforcement

officers may issue citations to a distracted driver if the officer believes the driving is hazardous to public safety.

First sponsor: Rep. Farley

Others: Rep. Arredondo, Rep. Hobbs, Sen. Melvin, Sen. Nelson, Rep. Tovar

H2321: TEXTING WHILE DRIVING; PROHIBITION

Effective January 1, 2013, it is a nonmoving civil traffic violation to use a handheld wireless communication device to write, send or read a written message while operating a motor vehicle. Some exceptions. Violations are subject to a civil penalty of \$50, or \$200 if the person is involved in a motor vehicle accident. Establishes a warning period from January 1, 2013 to January 31, 2013.

First sponsor: Rep. Williams

Others: Rep. Farley, Sen. Melvin, Sen. Nelson

H2341: PROCESS SERVERS; PRIVILEGES; RECORDS; ASSAULT

While serving process, a registered process server is authorized and privileged to enter and remain lawfully unannounced in a guarded or gated community, and on real property. Assault is classified as aggravated assault if the defendant knows that the victim is a certified process server attempting to serve process. Certified process servers are added to the list of persons the county recorder or county treasurer must notify when a court order granted to that person expires.

First sponsor: Rep. Jones

Others: Rep. Judd, Rep. Pancrazi, Rep. Urie, Rep. Vogt

H2349: MEDICAL MARIJUANA; CARDHOLDER; CAMPUSES; PROHIBITION

A person may not lawfully possess or use medical marijuana on the campus of any educational institution or in any child care facility. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Reeve

H2350: MARIJUANA; TRANSFER FOR VALUE; PRESUMPTION

Establishes a conclusive presumption that a transfer of medical marijuana is a transfer for value if the transferee is required to pay anything of value to be a member of an organization or to participate in an activity in order to receive the transfer. Due to voter protection, this bill requires the affirmative vote of at least 3/4 of each house of the Legislature for passage.

First sponsor: Rep. Reeve

H2378: SOLICITATION; TEXT MESSAGE; PROHIBITION

It is a class 2 misdemeanor to use an automated system to send a text message for the purpose of soliciting persons to purchase goods or services.

First sponsor: Rep. Farnsworth

H2398: JUDICIAL ACTIONS; CHILDREN; NAMES; REDACTION

The court is required to assign a letter in place of each child's name in any order or minute entry relating to paternity, annulment, legal separation, dissolution of marriage, in loco parentis or visitation. A parent or a parent's attorney may view the confidential data sheet used to establish the letter.

First sponsor: Rep. Forese

Others: Rep. Hobbs

H2411: ELECTED OFFICIALS; DRUG TESTING

Prior to taking the oath of office, every elected official in the state of Arizona is required to pay for and take a drug test. The Department of Health Services is required to report any positive test results to the appropriate persons.

First sponsor: Rep. Stevens

Others: Sen. Anteriori, Sen. Griffin, Sen. Shooter

H2433: BAIL BOND AGENT LISTS; SOLICITATION

The list of authorized bail bond agents for a county or city jail is required to be updated and the order rotated monthly. A private company cannot solicit bail bond business within 200 feet of any entrance to a court building or county or city jail.

First sponsor: Rep. Gowan

Others: Sen. Anteriori, Rep. Ash, Rep. Fillmore, Sen. Gallardo, Sen. Lopez, Sen. Murphy, Rep. Seel, Sen. Shooter, Rep. D. Smith, Rep. Stevens

H2435: ATTORNEY GENERAL; REMOVAL; FED COURT

When the attorney general's office represents the state in a federal district court in a case where the U.S. Supreme Court has original jurisdiction, the office is required to file a motion to remove the action to the U.S. Supreme Court.

First sponsor: Rep. Gowan

Others: Sen. Klein, Sen. Shooter

H2442: PRISONERS; PAYMENT FOR DRUG TESTING

The Department of Corrections is authorized to collect fees as a condition of a person's probation, parole or community supervision to offset costs of any drug testing program that person is required to participate in.

First sponsor: Rep. Gowan

H2462: ANIMALS; SEIZURE; HEARING; FORFEITURE

Peace officers, county enforcement agents and animal control officers are authorized to enter enclosed areas or yards or vehicles to seize an animal if there is probable cause to believe that the animal is suffering from cruel mistreatment, neglect or abandonment. The officer must leave a notice of seizure. The owner may request a hearing to determine whether the animal is forfeited to the seizing agency or returned to the owner.

First sponsor: Rep. Ugenti

Others: Rep. Barton, Rep. Brophy McGee, Rep. Burges, Rep. Carter, Rep. Fann, Rep. Fillmore, Sen. L. Gray, Rep. Hobbs, Rep. Judd, Sen. Melvin, Rep. Meyer, Rep. Montenegro, Rep. J. Pierce, Rep. Stevens, Rep. Urie

H2474: ELECTRONIC COMMUNICATION DEVICES; UNLAWFUL USE

Establishes the crime of unlawful use of an electronic communication device by using the device to solicit, plan, incite, direct or promote a felony or misdemeanor offense. Unlawful use of an electronic communication device is a class 3 misdemeanor unless the offense planned or promoted is a violent crime, which increases the classification to a class 4 felony.

First sponsor: Rep. Proud

H2528: PREGNANT PRISONERS; RESTRAINTS PROHIBITED; EXCEPTION

Correctional institutions cannot use restraints on a prisoner who is known to be pregnant unless the corrections official determines that the prisoner presents an extraordinary

circumstance. If restraints are used, they must be used in the least restrictive manner necessary.

First sponsor: Rep. Ash

Others: Rep. Alston, Rep. Chabin, Rep. Farley, Rep. Gonzales, Rep. Hale, Rep. Jones, Rep. McLain, Rep. Meyer, Rep. C. Miranda, Rep. Patterson, Rep. Saldate, Rep. Tovar, Rep. Wheeler

H2530: INCARCERATION COSTS; MUNICIPAL COURT WARRANTS

Municipalities must pay the costs of incarceration in a county jail for a person arrested on a warrant issued by the municipal court.

First sponsor: Rep. Ash

Others: Rep. Farley, Rep. Hale, Rep. McLain, Rep. Meyer, Rep. Patterson, Rep. Wheeler

H2532: COURT-ORDERED TREATMENT

Establishes requirements for evaluating a prisoner's need for continued court-ordered mental health treatment. If a medical director believes continued court-ordered treatment is needed, an application must be filed with the court. The process for the court to make a determination on continued treatment is modified. Additionally, the costs of mental health treatment of prisoners is no longer charged to the county in which the patient resided or was found prior to hospitalization.

First sponsor: Rep. Ash

Others: Rep. Chabin, Rep. Farley, Rep. Hale, Rep. Wheeler

S1056: CLASS G LICENSEES; COMMUNICATION DEVICES

Effective July 1, 2013, class G driver license holders (drivers under the age of 18) are prohibited from operating a motor vehicle while using a wireless communication device. Some exceptions.

First sponsor: Sen. McComish

Others: Rep. Robson, Rep. Williams

S1064: MUNICIPALITIES; LOCAL LIBERTY CHARTER

Establishes a model local liberty charter and authorizes unincorporated areas of a county and incorporated municipalities to adopt the charter through municipal legislation or local initiative. The charter guarantees the people of the adopting municipality a list of rights and is intended to supersede and control any contrary or inconsistent law including state statutes, administrative regulations, intergovernmental agreements, municipal charters, and municipal ordinances or resolutions. The charter contains numerous provisions, including a prohibition on needless regulation, municipal taxation and expenditure limits, limitations on eminent domain and impact fees, procedures for decentralized land use regulation, requirements for sunrise and sunset reviews, requirements for police performance, municipal employee accountability measures, and a prohibition on municipal subsidizing of private enterprise. Severability clause.

First sponsor: Sen. Klein

S1074: DOMESTIC RELATIONS; SUPPORT ARREST WARRANTS

Statutes governing child support arrest warrants are expanded in scope to include spousal support arrest warrants. The superior court has original jurisdiction to enforce spousal support obligations.

First sponsor: Sen. L. Gray

Others: Sen. Cajero Bedford, Sen. Lopez, Rep. Mesnard, Rep. Pancrazi

S1099: TERMINATION OF PARENTAL RIGHTS

Courts must determine if termination of the parent-child relationship is in the child's best interest by considering evidence submitted before the termination hearing. If the court determines that termination is clearly in the child's best interest and the child is placed in an adoptive home, the court must prohibit visitation between the child and a birth parent unless it is required by state or federal law.

First sponsor: Sen. Landrum Taylor
Others: Sen. Jackson, Sen. Lopez, Sen. Murphy

S1140: PRIVATE PROCESS SERVERS; CRIMINAL LIABILITY

Private process servers performing official duties have the same privileges and protections afforded to a sheriff or constable. The list of victims of assault that make the assault classified as aggravated assault if the defendant knows of their profession is expanded to include private process servers engaged in official duties.

First sponsor: Sen. Crandall
Others: Sen. Barto, Sen. Cajero Bedford, Sen. Gallardo, Sen. Klein, Sen. Landrum Taylor, Sen. Lopez, Sen. Lujan, Sen. McComish, Sen. Nelson, Sen. Reagan, Sen. Shooter, Sen. Yarbrough

S1144: SPECIAL SENTENCING; PEACE OFFICER IMPERSONATION

A person convicted of a felony offense who pretended to be a peace officer during commission of the offense, with the intent to induce another person to submit to their authority is not eligible for suspension of sentence, probation, pardon or release from confinement except under specified circumstances. The presumptive, minimum and maximum sentence for the offense is increased.

First sponsor: Sen. Driggs
Others: Sen. Crandall, Sen. McComish

LPC-INFO

Bill Summaries

H2050: ASRS; MEMBER'S STATUS; INFORMATION

The statement showing the status of each ASRS member's account may be provided electronically or online and is no longer required to be provided annually.

First sponsor: Rep. Robson

H2088: RETIREMENT; ASRS; AMENDMENTS

Various changes to the Arizona State Retirement System, including removing the power over hiring investment management and setting investment policy from the ASRS Board and instead allowing the Board to authorize the ASRS Director to retain and manage staff to make investments as an investment manager. Repeals and replaces regulations relating to ASRS investment management. The ASRS Director is authorized to issue subpoenas and take evidence relevant to the collection of monies due to ASRS, and bring an action in court to recover unpaid monies due to ASRS. Debt owed to ASRS constitutes a lien on the debtor's property, and ASRS may collect the debt by levy. Repeals the level income alternative for members who retire prior to age 62. Changes certain specified health insurance program and long-term disability program benefits for members whose retirement or disability begins after the effective date of this legislation. Also modifies the process for crediting service to a member for an officially granted leave without pay and allows annual member statements to be delivered electronically or online. Appropriates \$47,000 from the ASRS Administration Account in FY2012-2013 to ASRS for implementation.

First sponsor: Rep. Robson

H2089: RETIREMENT; ASRS; SERVICE PURCHASE AMENDMENTS

ASRS members may only purchase service for an officially granted leave of absence without pay if the member's employer certifies that the leave of absence benefits or is in the best interest of the employer.

First sponsor: Rep. Robson

H2090: RETIREMENT; ASRS; DISTRIBUTIONS; HEALTH SUPPLEMENT PAYMENT

For members who retire after the effective date of this legislation, ASRS will not pay health insurance premium assistance to a retired, contingent annuitant or disabled member who is enrolled in an employer's active employee group health insurance program, with some exceptions. For the purpose of survivor benefits and returning ASRS member contributions, the amount of employer contributions paid on behalf of a member excludes health insurance premium assistance. Effective July 1, 2013, repeals the level income alternative for members who retire prior to age 62. Appropriates \$47,000 from the ASRS Administration Account in FY2012-2013 to ASRS for implementation.

First sponsor: Rep. Robson

H2095: FIREARMS REGULATION; PLANNED COMMUNITIES

Planned community associations cannot restrict firearms except to comply with federal and state laws and to restrict firearms in the management office.

First sponsor: Rep. Harper

H2210: MEDICAL MARIJUANA; LIMIT MUNICIPAL TAXATION

Municipalities are prohibited from levying a tax or fee on the sale of medical marijuana such that the aggregate tax levied exceeds 10 percent of the amount of the sale.

First sponsor: Rep. Patterson
Others: Rep. Fillmore, Rep. Heinz

H2233: STATE EMPLOYEE HEALTH INSURANCE; DEPENDANTS

For the purposes of state employee health insurance, the definition of "dependent" is removed from statute. A legislative intent section directs the Department of Administration to use the definition contained in AZ Administrative Code. Retroactive to October 1, 2009.

First sponsor: Rep. Heinz

H2234: STATE HEALTH COVERAGE; SURVIVOR BENEFITS

If a state employee dies and the surviving spouse continues the health insurance coverage, the spouse and any dependents are required to pay the only out-of-pocket premium amount for their classification that an active employee would pay, instead of 102 percent of the group rates. The prohibition on public monies being used for surviving spouse and dependent health coverage is deleted.

First sponsor: Rep. Heinz

H2240: COUNTY OFFICERS; PAY SCALE

Effective January 1, 2012 and in counties with a population of less than 500,000 persons, the annual salary of the county assessor, recorder, superintendent of schools, supervisor and treasurer is increased to \$76,600, from \$63,800.

First sponsor: Rep. Harper

H2264: RETIREMENT; ASRS; EMPLOYEE; EMPLOYER CONTRIBUTIONS; RATE

ASRS member contributions are reduced to 50 percent of the total contributions, from 53 percent. ASRS employer contributions are increased to 50 percent, from 47 percent. By June 30, 2012, ASRS employers must return employee contributions made in excess of 50 percent during FY2011-2012. Retroactive to July 1, 2011. Emergency clause.

First sponsor: Rep. Robson

H2403: PUBLIC NOTICES; INTERNET

If publication of a notice in a newspaper is directed by law, the notice may be published at a designated site on the internet for at least the specified number of days or weeks required by law.

First sponsor: Rep. Stevens

H2436: FED LAW ENFORCEMENT OFFICERS; NOTIFICATIONS

A federal law enforcement officer is required to notify the county sheriff before taking any official action in that county.

First sponsor: Rep. Gowan

H2437: FED MANDATES; PROOF OF CONSTITUTIONALITY

The Legislature is prohibited from enacting any statute that appropriates state monies to comply with a federal mandate unless the mandate contains a document with reasonable arguments based on the U.S. Constitution that the mandate is a function of the federal government and will pass a Constitutional challenge.

First sponsor: Rep. Gowan

H2441: CONSTITUENT COMMUNICATIONS; PUBLIC RECORD EXCEPTION

Any communication between a state legislator and their constituent that is intended to be private is not considered a public record.

First sponsor: Rep. Gowan

H2443: CIVIL ACTIONS; TIME LIMITS; CRIMES

A person seeking damages due to suffering from the result of the sexual conduct of another committed against a minor must do so within seven years after the minor turns 18 years of age.

First sponsor: Rep. Gowan

H2457: POSSESSION OF WEAPONS WHILE HUNTING

The possession of a weapon used for taking wildlife does not preclude the possession of other legal weapons that are not used to take wildlife in the hunt.

First sponsor: Rep. Barton

Others: Sen. Allen, Rep. Burges, Sen. Gould, Rep. Gowan, Rep. Judd, Rep. Seel, Rep. D. Smith, Sen. S. Smith

H2535: PRIVATE POSSESSION OF WILDLIFE; PERMITS

Beginning January 1, 2013, it is illegal to own, possess, import or transport into Arizona, or propagate "restricted wildlife" (to be defined by the Game and Fish Department) without a permit. Permits may only be issued for specified reasons. Game rangers and peace officers

may seize restricted wildlife in private possession without a permit, and the wildlife is subject to disposition by the Game and Fish Commission.

First sponsor: Rep. Patterson

H2536: HUNTING; PROHIBIT COMPUTER-ASSISTED REMOTE

It is a class 1 misdemeanor to take or assist in the taking of any bird or mammal by "computer-assisted remote hunting" (defined). Second or subsequent violations are a class 6 felony.

First sponsor: Rep. Patterson
Others: Rep. D. Smith

H2537: HUNTING ENDANGERED SPECIES; CRIMINAL PANALTY

It is a class 6 felony to knowingly take, attempt to take or possess an endangered species.

First sponsor: Rep. Patterson

H2559: VICTIMS' RIGHTS; COURTROOM POSTING

The statement of victims' rights that must be read by the judge at certain occasions must also be prominently posted in each superior and limited jurisdiction court in the state.

First sponsor: Rep. Vogt

General Comments (all lists):

AGO bill

H2560: ADULT PROTECTIVE SERVICES; ATTORNEY FEES

The court is no longer authorized to order the payment of reasonable attorney fees in adult protective services actions.

First sponsor: Rep. Vogt

General Comments (all lists):

AGO Bill

H2571: PUBLIC EMPLOYEES; UNLAWFUL ACTS; TERMINATION

Public employers are required to immediately terminate from their employment any unelected public employee who has admitted or been found by a court to have unlawfully caused substantial harm to any person on three or more occasions in the course of performing official duties.

First sponsor: Rep. Olson

H2596: TANNING SALONS; MINORS; PROHIBITION

Tanning salons are prohibited from providing tanning bed services to a minor. The criminal classification for violations is blank in the original.

First sponsor: Rep. Judd
Others: Rep. Hobbs, Rep. Seel

H2605: LAW ENFORCEMENT DOGS; BITING

Exempts dogs used by law enforcement from being quarantined due to biting if the dog bite occurs under proper law enforcement supervision.

First sponsor: Rep. Mesnard

H2609: ACTIONS AGAINST GOVERNMENT OFFICIALS

A taxpaying resident of this state is authorized to bring a court action against any state or federal official who enforces any federal law or regulation that purports to displace, supersede, control or condition the exercise of the traditionally reserved powers of this state in violation of the U.S. Constitution. Establishes procedures and restrictions for these proceedings.

First sponsor: Rep. Mesnard

S1104: APPROP; BORDER SECURITY ADVISORY COMMITTEE

Monies in the Border Security Trust Fund (used for the construction and maintenance of a border fence) are no longer subject to legislative appropriation. Members of the Joint Border Security Advisory Committee are no longer eligible for reimbursement of expenses. Emergency clause.

First sponsor: Sen. S. Smith

S1117: RETIREMENT; ASRS; ADMINISTRATION

Various changes to statutes governing the Arizona State Retirement System, including authorizing the ASRS Director to issue subpoenas and take evidence relevant to the collection of monies due to ASRS, and bring an action in court to recover unpaid monies due to ASRS. Debt owed to ASRS constitutes a lien on the debtor's property, and ASRS may collect the debt by levy. Also allows annual member statements to be delivered electronically or online.

First sponsor: Sen. Yarbrough
Others: Sen. McComish

S1118: RETIREMENT; ASRS; LONG-TERM DISABILITY AMENDMENTS

For ASRS members whose disability commences on or after the effective date of this legislation, a member's monthly income from all sources, including long-term disability program benefits, cannot exceed 100 percent of the member's monthly compensation. A disability must be based on "objective medical evidence" (defined).

First sponsor: Sen. Yarbrough
Others: Sen. McComish

S1119: RETIREMENT; ASRS; SPOUSAL CONSENT

An ASRS member who is married must name their current spouse as a beneficiary to receive at least 50 percent of the member's account, and at retirement the member is required to elect a joint and survivor annuity with the spouse as the contingent annuitant. The spouse may consent to a waiver of these requirements. Appropriates \$200,000 from the ASRS Administration Account in FY 2012-13 to the ASRS for implementation.

First sponsor: Sen. Yarbrough
Others: Sen. McComish

S1120: RETIREMENT PLANS; BENEFIT INCREASES

The effective date for retirement benefit increases for Elected Officials' Retirement Plan and Corrections Officer Retirement Plan retirees and survivors is moved to July 1, 2012, from July 1, 2013. Retroactive to July 1, 2012.

First sponsor: Sen. Yarbrough

S1142: JURORS; ARIZONA LENGTHY TRIAL FUND

Earnings replacement paid to jurors during jury service begins on the first day of service, instead of the fourth day.

First sponsor: Sen. Driggs

Others: Sen. Crandall, Sen. McComish, Rep. Vogt, Sen. Yarbrough

SCR1007: LEGISLATORS; ARREST PRIVILEGE; REPEAL

The 2012 general election ballot is to carry the question of whether to remove the constitutional privilege from arrest for members of the Legislature during the legislative session.

First sponsor: Sen. Gallardo

SCR1008: DECLARATION OF EMERGENCY; STATE AUTHORITY

The Legislature declares an emergency within the borders of Arizona and notifies all federal agencies that due to lack of congressional oversight, the state will be exercising its right of sovereignty over soil within its boundaries.

First sponsor: Sen. Allen

Others: Rep. Crandell, Rep. Gowan, Sen. Griffin, Rep. Harper, Sen. Klein, Sen. Murphy, Rep. Proud

LPC-TECH CORRECTION

Bill Summaries

H2001: TECH CORRECTION; DUI; BLOOD TEST

Minor change to Title 28 (transportation) pertaining to DUI blood tests. Apparent striker bus.

First sponsor: Rep. Burges

H2005: TECH CORRECTION; CHILD CUSTODY

Minor change in Title 25 (marital and domestic relations) pertaining to child custody. Apparent striker bus.

First sponsor: Rep. Burges

S1011: TECH CORRECTION; MEDICAL MARIJUANA

Minor change in Title 36 (public health) relating to the AZ Medical Marijuana Act. Due to voter protection, changes to this statute require the affirmative vote of 3/4 of each house of the Legislature for passage. Apparent striker bus.

First sponsor: Sen. Barto